

### REMARKS

Claims 1 through 4 remain pending in the application. Claim 1 has been amended to even more succinctly define the invention and/or to improve its form. It is respectfully submitted that no new matter has been added. Claim 1 is the only independent claim present in the application.

In the Official Action dated January 23, 2003, Claims 1 through 4 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,250,999 (Kimura, et al.) in view of U.S. Patent No. 5,331,385 (Ohtsuka, et al.), and further in view of U.S. Patent No. 6,253,041 (Tomizawa). The rationale underlying the rejection is succinctly set forth in the Official Action.

In an Advisory Action, dated June 18, 2003, in connection with the Request for Reconsideration, filed May 23, 2003, the Examiner states: "Applicant's arguments are not considered persuasive. Kimura et al. discloses a transfer voltage in the normal mode is 2.0kV for full color printing and the transfer voltage in the OHP mode is 1.0KV for full color printing. Al though (*sic* Al though) the normal mode and OHP mode may involve different process speeds, the image forming apparatus of Kimura et al. anticipates the present invention as recited in claim 1."

The rejection is respectfully traversed.

Amended Claim 1 calls for an image forming apparatus including: an image bearing member; a transfer member for transferring an image from the image bearing member to a recording material; and fixing means for fixing the transferred image onto the recording material. The fixing means includes a heating member and back-up roller for forming a nip in cooperation with said heating member. The back-up roller includes a

conductive material containing layer. The image forming apparatus is selectively operable in a normal mode if the recording material is paper and in a resin sheet mode if the recording material is a resin sheet. A moving speed of the recording material in the normal mode is the same as a moving speed of the recording material in the resin sheet mode. A voltage applied to the transfer member when the resin sheet mode is selected is lower than a voltage applied to said transfer member when the normal mode is selected.

As above-noted, the Examiner asserts that Kimura, et al. discloses different transfer voltages for normal and OHP modes, respectively. The Examiner argues that these two modes “may involve different process speeds” and concludes that Kimura, et al. anticipates the claimed invention.

For a § 102 rejection to be proper, an item of prior art relied on in making the rejection must disclose every claimed element in order to “anticipate” the claimed invention. A rejection based on what an item of prior art “may include” is not well founded.

Amended Claim 1 now calls for a different applied voltage for each mode, wherein the applied voltage for a resin sheet mode is lower than an applied voltage for a normal, i.e., paper, mode.

It is respectfully and noted that Kimura, et al. neither discloses nor suggests the claimed image forming apparatus including the above-noted feature.

Ohtsuka, et al. and Tomizawa, et al. were merely cited for disclosing details of a back-up roller and a surface potential of a sheet being proportional. It is respectfully submitted that Ohtsuka, et al. and Tomizawa, et al. do not remedy the deficiencies of Kimura, et al. vis-a-vis the invention recited in amended Claim 1.

In view of the foregoing, it is respectfully submitted that amended Claim 1 is allowable over Kimura, et al., Ohtsuka, et al. and Tomizawa whether taken individually or in combination.

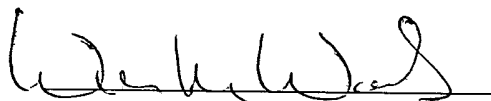
Claims 2 through 4 depend directly from Claim 1 and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention.

Individual consideration of the dependent claims is respectfully requested.

It is respectfully submitted that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the application are respectfully submitted.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,



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